



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,617	08/15/2007	Daniel Lecomte	BDM-06-1104	3448

35811 7590 09/16/2008
IP GROUP OF DLA PIPER US LLP
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA, PA 19103

EXAMINER

SCHEIBEL, ROBERT C

ART UNIT	PAPER NUMBER
----------	--------------

2619

MAIL DATE	DELIVERY MODE
-----------	---------------

09/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/579,617	Applicant(s) LECOMTE ET AL.	
	Examiner ROBERT C. SCHEIBEL	Art Unit 2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/17/06</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2619

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities:

- The phrase “transmitting the modified main stream from a distribution server via separate paths” does not make sense and should be updated. The phrase should specify which items are transmitted via separate paths (such as the modified main stream and complementary information).

Appropriate correction is required.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Art Unit: 2619

3. Claim **11** is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 11/344,897 in view of U.S. Patent 7,058,809 to White et al.

Claim 1 of copending Application No. 11/344,897 discloses the following limitations of claim 11 of the present application:

A process for secure distribution of digital audiovisual streams according to a standard, normalized or proprietary format comprising (see lines 1-2 of co-pending claim 1):

separating an original stream into two parts (see lines 2-3 of co-pending claim 1);

transmitting the parts to addressee equipment (see line 3 of co-pending claim 1);

generating a modified main stream having a format of the original stream and complementary information with any format comprising digital information suitable to permit reconstruction of the original stream (see lines 3-5 of co-pending claim 1); and

transmitting the modified main stream from a distribution server via separate paths (see lines 5-7 of co-pending claim 1) during distribution to the addressee equipment from a secure central server passing via at least one router and at least one switch connecting the addressee equipment to the central server via at least one access point (see lines 8-9 of co-pending claim 1).

Claim 1 of copending Application No. 11/344,897 does not disclose expressly the limitation that the transmission to the equipment of the addressee is made in an extended, secure multicasting mode. However, White discloses a secure multicasting mode throughout (see the abstract, for example). At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify copending Application No. 11/344,897 to use a secure multicasting mode for transmitting the data. The motivation for doing so would have been for

Art Unit: 2619

bandwidth economy as suggested in the abstract of White. Therefore, it would have been obvious to combine White with copending Application No. 11/344,897 for the benefit of bandwidth economy to obtain the invention as specified in claim 11.

4. Claim **11** is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 11/387,284 in view of U.S. Patent 7,058,809 to White et al.

Claim 1 of copending Application No. 11/387,284 discloses the following limitations of claim 11 of the present application:

A process for secure distribution of digital audiovisual streams according to a standard, normalized or proprietary format comprising (see lines 1-2 of copending claim 1):

separating an original stream into two parts (see lines 2-3 of copending claim 1);

transmitting the parts to addressee equipment (see line 3 of copending claim 1);

generating a modified main stream having a format of the original stream and complementary information with any format comprising digital information suitable to permit reconstruction of the original stream(see lines 3-5 of copending claim 1); and

transmitting the modified main stream from a distribution server via separate paths (see lines 5-7 of co-pending claim 1) during distribution to the addressee equipment from a secure central server passing via at least one router and at least one switch connecting the addressee equipment to the central server (see lines 8-9 of co-pending claim 1).

Claim 1 of copending Application No. 11/387,284 does not disclose expressly the limitation that the transmission to the equipment of the addressee is made in an extended, secure

Art Unit: 2619

multicasting mode or that it passes via at least one access point. However, White discloses a secure multicasting mode throughout (see the abstract, for example). White further teaches an access point in the network 102 of Figure 1 (the edge device in that network is an access point as it provides the client/user with access to the network and server). At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify copending Application No. 11/387,284 to use a secure multicasting mode for transmitting the data and to access that data via an access point. The motivation for doing so would have been for bandwidth economy as suggested in the abstract of White. Therefore, it would have been obvious to combine White with copending Application No. 11/387,284 for the benefit of bandwidth economy to obtain the invention as specified in claim 11.

5. Claim **11** is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 11/264,953 in view of U.S. Patent 7,058,809 to White et al.

Claim 1 of copending Application No. 11/264,953 discloses the following limitations of claim 11 of the present application:

A process for secure distribution of digital audiovisual streams according to a standard, normalized or proprietary format comprising (see lines 1-2 of copending claim 1):

separating an original stream into two parts (see lines 6-11 of copending claim 1);

transmitting the parts to addressee equipment (see lines 12-13 of copending claim 1);

Art Unit: 2619

generating a modified main stream having a format of the original stream and complementary information with any format comprising digital information suitable to permit reconstruction of the original stream (see lines 6-11 of copending claim 1); and

transmitting the modified main stream from a distribution server via separate paths during distribution (see lines 12-13 of copending claim 1).

Claim 1 of copending Application No. 11/264,953 does not disclose expressly the limitation that the transmission to the equipment of the addressee is made in an extended, secure multicasting mode or that it passes through at least one router and one switch and that it is accomplished via at least one access point. However, White discloses a secure multicasting mode throughout (see the abstract, for example). White further teaches a router, a switch and an access point in the network 102 of Figure 1 (clearly, the network can be an IP network containing a router and switch; further, the edge device in that network is an access point as it provides the client/user with access to the network and server). At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify copending Application No. 11/264,953 to use a secure multicasting mode for transmitting the data and to access that data via an access point. The motivation for doing so would have been for bandwidth economy as suggested in the abstract of White. Therefore, it would have been obvious to combine White with copending Application No. 11/264,953 for the benefit of bandwidth economy to obtain the invention as specified in claim 11.

Art Unit: 2619

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims **11, 15, 18, 19, and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 7,382,969 to Dawson, et al in view of U.S. Patent 7,058,809 to White et al.

Regarding claim **11**, Dawson discloses a process for secure distribution of digital audiovisual streams according to a standard, normalized or proprietary format (the video signal of Figure 1 which is clearly a standard, normalized or proprietary format) comprising:

separating an original stream into two parts (see Figure 6A which shows the stream split into two parts (the original part with marred content replacing the extracted video and the extracted video content));

Art Unit: 2619

transmitting the parts to addressee equipment (see step 609 of Figure 6A);

generating a modified main stream having a format of the original stream (the "video that contains marred content" is of the format of the original stream as it has part of the video "extracted" and "replaced" with marred content) and complementary information with any format comprising digital information suitable to permit reconstruction of the original stream (the extracted video; see lines 42-50 of column 2 for an explanation of how the extracted video is used to reconstruct the original video); and

transmitting the modified main stream from a distribution server via separate paths during distribution (as indicated throughout (see step 609 of Figure 6A for example) the two parts of the video are transmitted by separate paths (first and second channels)) from a central server (the modified main stream is transmitted from a central server (transmitter 101)).

Dawson does not disclose expressly the limitations that the modified main stream is transmitted in an extended, secure multicasting mode to the addressee equipment; that the central server is a secure central server; or that of the transmission passing via at least one router and at least one switch connecting the addressee equipment to the central server via at least one access point. However, White discloses a secure multicasting mode of transmission (see the abstract, for example – "Copies of encrypted content can be provided such that unique watermarks can be added to the copies. Content can also be both watermarked uniquely for multiple clients and multicasted to the clients.") White similarly discloses that the server transmitting the multicasted data is secure as the data is encrypted. Further, White suggests the limitation of the transmission passing via at least one router and at least one switch connecting the addressee equipment to the central server via at least one access point (see the network 102 of Figure 1 and the associated

Art Unit: 2619

description which indicates that the network can be the Internet; as is well known, the Internet contains many routers and switches and it would be obvious to transmit multicast data over a path including a router and a switch; further, the last network element (edge element) before the end user equipment is an access point as it provides the user equipment with access to the network.)

Dawson and White are analogous art because they are from the same field of endeavor of data communications. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Dawson to indicate that the path between the transmitter and the receiver uses a secure multicast mode and includes a router, switch and access point as suggested by White. The motivation for doing so would have been to conserve bandwidth by using multicast as suggested by White in the abstract. Therefore, it would have been obvious to combine White with Dawson for the benefit of bandwidth conservation to obtain the invention as specified in claim 11.

Regarding claim **19**, Dawson discloses a system for the secure distribution of audiovisual streams comprising a device for separating an original video stream into a modified main stream and into complementary information (see Figure 6A which shows the stream split into two parts (the original part with marred content replacing the extracted video and the extracted video content) prior to transmission in step 609; the transmitter 101 of Figure 1 is the device which performs this separation), at least one multimedia server containing the audiovisual streams (the server which sends the video signal 201 of Figure 2), at least one central server from which the complementary information is distributed (the transmitter 101 of Figure 1), at least one

Art Unit: 2619

telecommunication network (the network through which channels 105a and 105b are transmitted), and a device in the addressee equipment for reconstruction of the original audiovisual stream as a function of the modified main stream and the complementary information (see lines 42-50 of column 2 for an explanation of how the extracted video is used to reconstruct the original video; this is performed by the receiver 103 of Figure 1).

Dawson does not disclose expressly the limitations that the central server is a secure central server; that the secure central server comprises a device for securing and personalizing the complementary information; the limitation of at least one router; or the limitation of at least one switch functioning as an access point for connection to addressee equipment. However, White discloses in the abstract the limitation of a secure central server for transmitting data (the multicasted data is indicated as being encrypted). White further discloses in the abstract the limitation of a device for securing (“encrypted content”) and personalizing (“unique watermarks”) data; it would be obvious to apply this teaching to the complimentary information. Further, White suggests the limitations of at least one router and at least one switch functioning as an access point for connection to addressee equipment (see the network 102 of Figure 1 and the associated description which indicates that the network can be the Internet; as is well known, the Internet contains many routers and switches and it would be obvious to transmit multicast data over a path including a router and a switch; further, the last network element (edge element) before the end user equipment is an access point as it provides the user equipment with access to the network).

Dawson and White are analogous art because they are from the same field of endeavor of data communications. At the time of the invention, it would have been obvious to a person of

Art Unit: 2619

ordinary skill in the art to modify Dawson to use a path between the transmitter and the receiver that includes a router and a switch functioning as an access point as suggested by White. It would also have been obvious to provide a device in the server for securing and personalizing the complimentary data. The motivation for doing so would have been to protect the content from unauthorized access. Therefore, it would have been obvious to combine White with Dawson for the benefit of bandwidth conservation to obtain the invention as specified in claim 19.

Regarding claim **15**, the above combination of Dawson and White discloses all limitations of parent claim 11 as indicated in the rejection above. Primary reference Dawson does not disclose expressly all limitations of claim 15. However, White discloses the limitations of performing management of a multicasting group in a connection layer controlling distribution of data in multicasting solely for a selected access point (White discloses throughout the use of multicasting as the means for distributing the content; as indicated in lines 12-19 of column 2, this involves sending the content simultaneously solely from one point to multiple users (the group) at the same time and thus requires management of the group to effectively transport the data from the single source to the multiple users). Dawson and White are analogous art because they are from the same field of endeavor of data communications. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Dawson to perform management of a multicasting group in a connection layer controlling distribution of data in multicasting solely for a selected access point as suggested by White. The motivation for doing so would have been to reduce the congestion on the network as suggested by White. Therefore,

Art Unit: 2619

it would have been obvious to combine White with Dawson for the benefit of reducing network congestion to obtain the invention as specified in claim 15.

Regarding claim **18**, the above combination of Dawson and White discloses all limitations of parent claim 11 as indicated in the rejection above. Primary reference Dawson does not disclose expressly all limitations of claim 18. However, White discloses a method of securing and personalizing the video data for each client and each multicasting session using a hybrid encryption scheme whereby a common portion of the content is encrypted with a first key and another subset of the content is watermarked with a unique encryption key so that the copy received by each user can be uniquely identified. See the passage from line 60 of column 4 through line 11 of column 5, for example. Dawson and White are analogous art because they are from the same field of endeavor of data communications. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Dawson such that the complementary information is secured and personalized for each client and for each multicasting session with the aids of a method of hybrid encryption as suggested by White. The motivation for doing so would have been to allow the copy received by each client to be uniquely identified to help prevent piracy of the content as suggested by White. Therefore, it would have been obvious to combine White with Dawson for the benefit of providing a uniquely identifiable copy of the content to each user to obtain the invention as specified in claim 18.

Regarding claim **20**, the above combination of Dawson and White discloses all limitations of parent claim 19 as indicated in the rejection above. Primary reference Dawson

Art Unit: 2619

does not disclose expressly all limitations of claim 20. However, White discloses the limitations that control of throughput in a multicasting group (see lines 12-19 of column 2 which indicates that multicasting (used throughout White) is a “method to address bandwidth constraints”) is performed as a consequence of managing and personalizing of securing of the complementary information (as described throughout White, the content is multicasted to the clients, but is also personalized by using a unique key to encrypt a portion of the content which will enable the user of the received copy to be identified – see lines 30-51 of column 2 for example). Dawson and White are analogous art because they are from the same field of endeavor of data communications. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Dawson such that control of throughput in a multicasting group is performed as a consequence of managing and personalizing of securing of the complimentary information as suggested by White. The motivation for doing so would have been to allow the copy received by each client to be uniquely identified to help prevent piracy of the content as suggested by White. Therefore, it would have been obvious to combine White with Dawson for the benefit of providing a uniquely identifiable copy of the content to each user to obtain the invention as specified in claim 20.

9. Claims **12-14, and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 7,382,969 to Dawson, et al in view of U.S. Patent 7,058,809 to White et al and in further view of U.S. Patent 5,590,199 to Krajewski et al.

Art Unit: 2619

Regarding claim **12**, the combination of Dawson and White above discloses the limitations of parent claim 11. However, the combination of Dawson and White does not disclose expressly the authentication of the user is performed in unicast mode. However, White discloses in many places the distribution of the keys to the users in unicast mode (consider lines 62-64 of column 10, for example). Further, user authentication is well known in the art. Consider lines 36- 64 of column 2 of Krajewski which describes the basic means by which a user is authenticated. The combination of Dawson and White and Krajewski are analogous art because they are from the same field of endeavor of data communications. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the above combination of Dawson and White to perform authentication in unicast mode (similar to the manner in which the keys are distributed). The motivation for doing so would have been to verify the identity of the user to whom the content is being transmitted. This is needed to provide user information as part of the watermarking procedure described in White. Therefore, it would have been obvious to combine Krajewski with Dawson and White for the benefit of user identity verification to obtain the invention as specified in claim 12.

Regarding claim **13**, the above combination of Dawson, White, and Krajewski discloses all limitations of parent claim 12 as indicated above. Primary reference Dawson does not disclose expressly the limitations of claim 13. However, White discloses the use of a unique key or combination of keys as part of the watermarking procedure throughout. Consider lines 30-59 of column 6, for example. Dawson and White are analogous art because they are from the same field of endeavor of data communications. At the time of the invention, it would have been

Art Unit: 2619

obvious to a person of ordinary skill in the art to modify Dawson to use a unique key by content and client as suggested by White to disclose the limitation of claim 13 of generating a session key that is unique by content and by client by the central server following the authentication. The motivation for doing so would have been to enable the identification of the user of a particular copy of the content using the watermarking scheme of White. Therefore, it would have been obvious to combine White with Dawson, modified, for the benefit of identifying the user of a particular copy to obtain the invention as specified in claim 13.

Regarding claim **14**, the above combination of Dawson, White, and Krajewski discloses all limitations of parent claim 13 as indicated above. Primary reference Dawson does not disclose expressly the limitations of claim 14. However, White discloses the use of compression and encryption together in lines 66-67 of column 1 or lines 19-24 of column 6. Dawson and White are analogous art because they are from the same field of endeavor of data communications. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Dawson to compress the video stream using a standard such as MPEG and then encrypt is according to the techniques shown throughout White to disclose the limitation of claim 14 that the complementary information is compressed and encrypted prior to being sent to a client. The motivation for doing so would have been to reduce the bandwidth requirements for the channel on which the video is transmitted. Therefore, it would have been obvious to combine White with Dawson, modified, for the benefit of reducing the bandwidth requirements to obtain the invention as specified in claim 14.

Art Unit: 2619

Regarding claim **16**, the combination of Dawson and White above discloses the limitations of parent claim 11. Primary reference Dawson does not disclose expressly the limitations of claim 16. However, White discloses the limitations of claim 16 that managing and securing of the complementary information is performed following a multi-reception of requests for by a central server and comprises compression, encryption and management of session keys. Specifically, White discloses that managing and securing of the complimentary information is performed in response to a request to a central server for content from multiple clients (see lines 21-25 of column 9, for example). White further discloses the limitations that this managing and securing comprises compression and encryption in lines 66-67 of column 1 and comprises management of session keys in the key management module 306 of figure 3, for example.

Dawson and White are analogous art because they are from the same field of endeavor of data communications. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Dawson to manage and secure the complimentary information in a manner suggested by White to disclose the limitations indicated above.

However, the combination of Dawson and White does not disclose expressly the limitation that the requests to the central server are authentication requests. However, user authentication is well known in the art. Consider lines 36-64 of column 2 of Krajewski which describes the basic means by which a user is authenticated. The combination of Dawson and White and Krajewski are analogous art because they are from the same field of endeavor of data communications. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the above combination of Dawson and White to perform user authentication based on the client request. The motivation for doing so would have been to

Art Unit: 2619

verify the identity of the user to whom the content is being transmitted. This is needed to provide user information as part of the watermarking procedure described in White. Therefore, it would have been obvious to combine Krajewski with Dawson and White for the benefit of user identity verification to obtain the invention as specified in claim 16.

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 7,382,969 to Dawson, et al in view of U.S. Patent 7,058,809 to White et al and in further view of U.S. Patent Application Publication 2003/0210789 to Farnham et al.

Regarding claim 17, the combination of Dawson and White above discloses the limitations of parent claim 11. The combination of Dawson and White does not disclose expressly the limitations of claim 17. However, Farnham discloses that the lifetime of a session key can be adjusted according to the security requirements of an application in paragraph 0103 (“the lifetime of the session key can be short (for example for a single data transfer) or long (for example, months) depending on the security requirements and likelihood of the key being compromised”). In a system using a short session key lifetime, the user will need to generate a new session key at the expiration of the lifetime in order to continue communication with the server.

The combination of Dawson and White and Farnham are analogous art because they are from the same field of endeavor of secure communications. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the above combination of Dawson and White to use a session key with a relatively short lifetime to reduce the likelihood of the key being compromised. It would further have been obvious to one of ordinary skill in the

Art Unit: 2619

art to continue a communication session/connection at the expiration of the key lifetime by regenerating a new session key. The motivation for doing so would have been to prevent unauthorized access to the key (and thus the content) by an eavesdropper after the session has ended as suggested in the above passage by Farnham ("depending on the security requirements"). Therefore, it would have been obvious to combine Farnham with Dawson and White for the benefit of the prevention of unauthorized access by an eavesdropper to obtain the invention as specified in claim 17.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 20060075135 A1 to Rambhia discloses a method for effective protection of computer data traffic in constrained resource scenarios.
- US 6091769 A to Moon discloses a video decoder having an interfacing function for picture synchronization.
- US 6886040 B1 to Fitzgerald discloses a codec-independent technique for modulating bandwidth in packet network.
- US 20040168185 A1 to Dawson et al discloses a method for multimedia network picture-in-picture.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT C. SCHEIBEL whose telephone number is (571)272-3169. The examiner can normally be reached on Mon-Fri from 8:30 AM - 5:00 PM.

Art Unit: 2619

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert C. Scheibel
Examiner
Art Unit 2619

/R. C. S./
Examiner, Art Unit 2619

/CHAU T. NGUYEN/
Supervisory Patent Examiner, Art Unit 2619